

Entered -07-12-01 - sb
CL 01L0444 - GWENDOLYN BURNS

CLAIM OF:

J. DAVID STUBINS, ESQ.
1434 Briarhill Lane
Atlanta, Georgia 30324

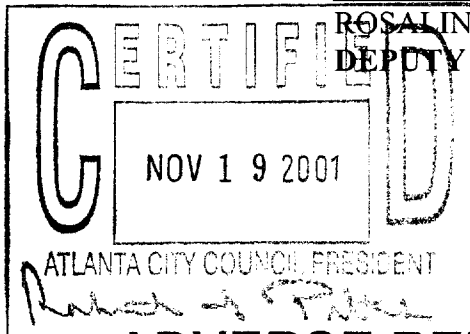
01-R-1841

For bodily injuries and property damages alleged to have been sustained when a bicycle was ridden through a section of sidewalk that was under construction on January 15, 2001 at 901 Lindbergh Drive.

THIS ADVERSED REPORT IS
APPROVED

BY: *Rosalind Rubens Newell*

ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY



ADVERSED BY NOV 19 2001
CITY COUNCIL

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: _____

CHAIR: *NOV 19 2001 C. T. Newell*

[Signature]

CERTIFIED
NOV 19 2001
Rhonda Daughlin Johnson
MUNICIPAL CLERK



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

November 30, 2001

J. David Stubins
Attorney at Law
1434 Briarhill Lane
Atlanta, GA 30324

01-R-1841

Dear Attorney Stubins:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on November 19, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,
Rhonda Dauphin Johnson

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0444

Date: October 30, 2001

Claimant /Victim J. DAVID STUBINS, ESQ.

BY: (Atty) (Ins. Co.) _____

Address: 1434 Briarhill Lane, Atlanta, Georgia 30324

Subrogation: _____ Claim for Property damage \$ 350.00 Bodily Injury \$ Unspecified

Date of Notice: 7/10/01 Method: Written, Proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 1/15/01 Place: 901 Lindbergh Drive (North Fork Peachtree-Creek Sewer Project)

Department _____ Division _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that he sustained bodily injuries and property damage when he was thrown from his bicycle after riding through a section of sidewalk that was under construction. An investigation determined that a private contractor performed work at the incident location. The claimant has been advised of this and his claim has been forwarded to the company for resolution.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others X Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other X

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____

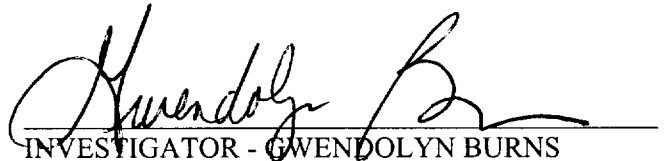
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved X Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 10-31-01

Committee Action: _____ Council Action _____

RCS# 3297
11/19/01
5:16 PM

Atlanta City Council

Regular Session

MULTIPLE

Unfavorable Claims; Public Safety Items
19 through 37
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

Y McCarty	B Dorsey	Y Moore	Y Thomas
B Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	NV Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

01-R-1835
01-R-1836
01-R-1837
01-R-1838
01-R-1839
01-R-1840
01-R-1841
01-R-1842
01-R-1843
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01-R-1846
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01-R-1849
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01-R-1851
01-R-1853
01-R-1855

MULTIPLE